

United States District Court

for the

Eastern District of Pennsylvania

May 15, 2019

U.S.A. vs. Casey Cunningham

Case No. 2:12CR000137-01

PETITION ON SUPERVISED RELEASE

COMES NOW Bruce E. Green SENIOR U.S. PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Casey Cunningham, who was placed on supervised release by the Honorable Stewart Dalzell sitting in the Court at Philadelphia, PA, on the 18th day of October 2012, who fixed the period of supervision at three years, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

<u>ORIGINAL OFFENSE:</u>	Bank robbery (Counts One through Three).
<u>ORIGINAL SENTENCE:</u>	The defendant was committed to the custody of the U.S. Bureau of Prisons for a term of 96 months, followed by three years of supervised release. A \$300.00 special assessment was imposed and due immediately.
<u>SPECIAL CONDITIONS:</u>	1) The defendant shall be subject to drug testing, and if the probation office determines that the defendant would benefit from a drug treatment program, the probation office shall submit a proposed treatment plan to the court for consideration; 2) The defendant shall participate in a mental health treatment program if the probation office deems such a program would be beneficial and the Court then agrees; and 3) The defendant shall make restitution in the amount of \$7,778.00, payable in equal annual installments during his term of supervised release.
<u>JUDICIAL REASSIGNMENT:</u>	On March 11, 2019, jurisdiction of the defendant's case was reassigned to the calendar of the Honorable Robert F. Kelly, Senior Judge.
<u>MODIFICATION:</u>	On March 26, 2019, the Court modified the defendant's supervised release conditions to include that the defendant shall undergo a psychosexual evaluation at the Joseph J. Peters Institute as directed by the Probation Office.

RE: CUNNINGHAM, Casey

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DATE SUPERVISION

COMMENCED: March 22, 2019

DATE SUPERVISION

TERMINATES: March 21, 2022

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The U.S. Probation Office is seeking a modification of Mr. Cunningham's conditions to include that the defendant shall participate in a sex offender/mental health program for evaluation and treatment and abide by the rules of any such program until satisfactorily discharged. While in the treatment program, the defendant shall submit to risk assessment, psychological testing, and physiological testing, which may include, but is not limited to, polygraph or other specific tests to monitor compliance with supervised release and treatment conditions.

The reason for this modification and addendum to the conditions of supervision is that per the Court's Order, the defendant underwent a psychosexual evaluation at the Joseph J. Peters Institute (JJPI) on April 23, 2019. Based on their thorough evaluation, JJPI recommended that Mr. Cunningham undergo the following: 1) Attend sex offense specific individual and group therapy weekly unless he can provide documentation that he previously completed sex offense specific mental health treatment; 2) Engage in and complete relapse prevention counseling; 3) Take a polygraph within the first six months of treatment; 4) The defendant should be strictly limited from contact with minors; 5) The defendant should abstain from drugs and alcohol; 6) The defendant should adhere to restrictions and requirements of probation/parole as well as sexual offender registration requirements; and 7) The defendant should continue to receive routine medical care.

A copy of the report is attached for the Court's review.

Mr. Cunningham was not in agreement with the proposed modification and has requested that a hearing be scheduled.

RE: CUNNINGHAM, Casey

Case: 2:12CR000137-01

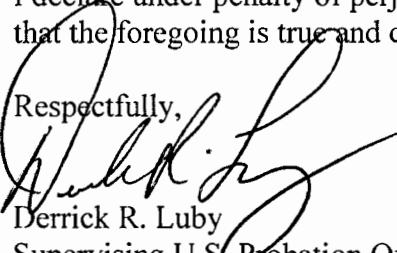
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PRAYING THAT THE COURT WILL ORDER...

**THE ISSUANCE OF A
SUMMONS DIRECTING THE
NAMED SUPERVISED
RELEASEE APPEAR AT A
MODIFICATION HEARING.**

I declare under penalty of perjury
that the foregoing is true and correct.

Respectfully,


Derrick R. Luby
Supervising U.S. Probation Officer

Place Philadelphia, PA

Date May 15, 2019

BEG

cc: Assistant U.S. Attorney
Defense Attorney
U.S. Marshals – Warrant Squad

ORDER OF THE COURT

Considered and ordered this 17th day
of May, 2019, and ordered
filed and made part of the records in the above case.


U.S. District Court Judge

INFORMATION SHEET FOR REVOCATION OF SUPERVISION

United States of America) Case No. 2:12CR000137-01

vs.)

Casey Cunningham)

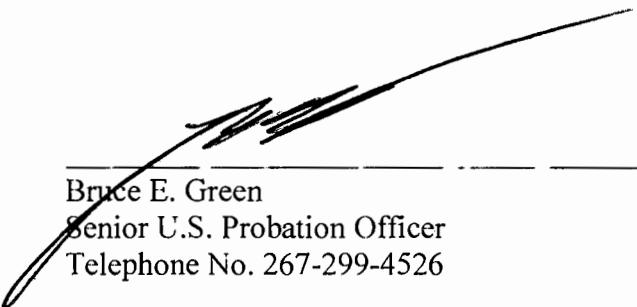
Defendant's last known
Address and Telephone No. 23 East Silver Street
Apartment # 2, Second Floor
Philadelphia, PA 19124
215-868-2168

Defendant's in custody at: N/A

Defendant's last known
Counsel, Address and
Telephone number: Tracy Lee Frederick, Esquire
Suite 540, The Custis Center Building
Philadelphia, PA 19106
215-928-1100

Assistant U.S. Attorney:
Street Address:
City and State:
Telephone No.: Christopher Diviny, Esquire
615 Chestnut Street
Suite 1250
Philadelphia, PA 19106
215-861-8633

Other Information: None


Bruce E. Green
Senior U.S. Probation Officer
Telephone No. 267-299-4526

UNITED STATES PROBATION OFFICE
EASTERN DISTRICT OF PENNSYLVANIA

NOTICE OF REQUEST FOR MODIFICATION OF SUPERVISION CONDITIONS

TO: Casey Cunningham CASE NO.: 12-137-001

This is to notify you that the U.S. Probation Office intends to make a formal request to the Court that the conditions of supervision be modified as follows:

You shall participate in a sex offender/mental health program for evaluation and treatment and abide by the rules of any such program until satisfactorily discharged. While in the treatment program, you shall submit to risk assessment, psychological testing, and physiological testing, which may include, but is not limited to, polygraph or other specific tests to monitor compliance with supervised release and treatment conditions.

The reason for this modification and addendum to the conditions of supervision is:

On April 23, 2019, you underwent a psychosexual evaluation at the direction of the Court at the Joseph J. Peters Institute (JJPI). Based on the evaluation, JJPI staff recommended that you complete sex offender specific treatment.

You are advised that you have the right to a hearing before the Court on the modification of the conditions of supervision, and that you have the right to be represented by counsel at such hearing. You also have the right to waive (give up) such a hearing. You are hereby asked to acknowledge receipt of the "Notice" by signing the applicable portion on the reverse side of this form and returning the form to your Probation Officer. If you desire a hearing, you should sign the ACKNOWLEDGMENT AND REQUEST FOR HEARING portion of the form. If you wish to waive (give up) a hearing, you should sign the ACKNOWLEDGMENT AND WAIVER portion of the form. If you request a hearing, you will be notified by this office of the time and place thereof in due course.

Matthew R. MacAvoy, Chief
U.S. Probation Officer

Bruce Green
U.S. Probation Officer

ACKNOWLEDGMENT AND REQUEST FOR HEARING

I, Casey Cunningham, hereby acknowledge receipt of the Notice of Request for Modification of the Conditions of Supervision, and request a hearing thereon with my reasons stated below:

Signed: Casey Cunningham 5-3-19
(Date)

ACKNOWLEDGMENT AND WAIVER OF HEARING

I, Casey Cunningham, hereby acknowledge receipt of the Notice of Request for Modification of the Conditions of Supervision. I have read the Notice and understand that I have the right to a hearing before the Court on that request and to the assistance of counsel at the hearing. However, I hereby waive (give up) my right to a hearing and agree to the proposed modifications of conditions of supervision. I also certify that no promises have been made to me in order to induce me to give up my right to a hearing.

Signed: _____
(Date)

WITNESS:

Name _____

Address _____